

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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James Clark, as Trustee for the Heirs and  
next of Kin of Jamar Lemont Clark,  
decedent.

Court File No. 17-cv-01973 (MJD/TNL)

Plaintiff,

**AMENDED COMPLAINT**

Officer Mark Ringgenberg, in his Official  
Capacity as a Minneapolis Police Officer,

Defendant.

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For his Complaint, James Clark hereby states and alleges as follows:

1. That he has been appointed as the trustee for the Heirs and Next of Kin of Jamar Lemont Clark.

2. This is an action for money damages due to Officer Mark Ringgenberg's ("Ringgenberg") unreasonable use of excessive force on his son, Jamar Lemont Clark ("Clark"), while acting under color of state law, violating Clark's well-settled federal rights.

3. James Clark brings this action pursuant to 42 U.S.C §§ 1983, 1988, the Fourth Amendment to the United States Constitution, and 28 U.S.C. §§ 1331 and 1343(a)(3). These statutory and constitutional provisions confer original jurisdiction of this matter to this Court.

4. Jamar Clark was, at all material times, a citizen of the United States and a resident of Minneapolis, Minnesota.

5. Upon information and belief, Ringgenberg was at all material times, a citizen of the United States and a resident of the State of Minnesota.

6. On November 16, 2015, Ringgenberg commenced a seizure of Jamar Clark's person, by taking him to the ground. Ringgenberg landed with his back facing Jamar's Clark's chest.

7. At the time of the seizure of his person, Jamar Clark was unarmed, smaller than the Defendant, and out- numbered.

8. Ringgenberg alleges that Jamar Clark attempted to grab and obtain control of Ringgenberg's gun, however, the gun was not taken from the holster.

9. Ringgenberg shouted at Officer Dustin Schwarze, instructing him to shoot Jamar Clark. Schwarze initially allegedly ordered Jamar Clark to release the gun. Officer Schwarze changed his mind, and complied with Ringgenberg's order by discharging his weapon into Clark's head.

10. Jamar Clark was taken off of life support the next day.

Count I-Excessive Force against Defendant Riggenberg

11. Plaintiff James Clark restates the allegations contained in Paragraphs 1 through 10.

12. Defendant Riggenberg, while acting under the color of state law, violated Jamar Clark's clearly established and well-settled civil rights to be free from excessive force and unreasonable seizure.

13. Defendants Riggenberg subjected Jamar Clark to this deprivation of his rights willfully, maliciously and with reckless disregard for whether his rights would be violated by Defendants Riggenberg.

14. Defendants Riggenberg was also objectively unreasonable pursuant to *Graham v. Connor*, 490 U.S. 386 (1989).

15. James Clark and the decedent's Heirs and Next of Kin have suffered pecuniary loss directly resulting from Defendant Ringgenberg's actions, in an amount to be determined by a jury.

16. James Clark claims punitive damages in an amount to be determined by a jury against Defendant Riggenberg as a matter of right under federal common law, *Smith v. Wade*, 461 U.S. 30 (1993).

**Prayer for Relief**

WHEREFORE, Plaintiff James Clark demands judgment against Defendant as follows:

1. As to Count One, a money judgment against Defendant Riggenberg for compensatory damages for pecuniary loss directly resulting from Defendant Ringgenberg's excessive force in taking Jamar Clark to the ground, in an amount to be determined by a jury, together with costs, including reasonable attorneys' fees pursuant to Minn. Stat § 573.02 and. 42 U.S.C. § 1988, together with prejudgment interest;

2. For such further relief as this court deems just and equitable.

Dated: May 7, 2019

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Dated: May 7, 2019

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